

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Michael DeAngelis

v.

Civil No. 04-cv-456-SM

Hillsborough County Department of
Corrections, Superintendent, et al.

REPORT AND RECOMMENDATION

Plaintiff seeks a preliminary injunction and TRO to require New Hampshire State Prison staff to let him access his legal work and materials so he may file his objection to the pending motion for summary judgment. This suit is against Hillsborough County House of Corrections. There are no state prison staff who are defendants.

Fed. R. Civ. P. 65(d) provides in pertinent part that:

Every order granting an injunction and every restraining order . . . is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

The Hillsborough County House of Corrections has no control over state prison employees and the latter are not parties. The court lacks jurisdiction over unspecified, non-parties to restrain or enjoin them. I recommend that the motion be denied.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: July 11, 2007

cc: John A. Curran, Esq.
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Carolyn M. Kirby, Esq.
Michael DeAngelis, pro se